



Appeal Decision

Site visit made on 2 May 2019

by **David Storrie DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6 November 2019

Appeal Ref: APP/N2535/W/19/3222860

Diamond House, Ferry Road, Fiskerton, Lincoln, LN3 4HU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Johnson against the decision of West Lindsey District Council.
 - The application Ref 138406, dated 28 September 2018, was refused by notice dated 7 December 2018.
 - The development proposed is the separation of annex from Diamond House to form 2no. individual dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the separation of annex from Diamond House to form 2no. individual dwellings at Diamond House, Ferry Road, Fiskerton, Lincoln, LN3 4HU in accordance with the terms of the application, Ref 138406, dated 28 September 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: SD DH18 A3 21B; SD DH18 A1 22C; and SD DH18 A3 21B.

Main Issue

2. The main issue is whether the change of the building from a residential annex to an independent dwelling would conflict with development plan policy that controls development in the countryside.

Reasons

3. The appeal site is an existing building located to the east of Diamond House and used as an Annex to this dwelling. Land to the south of the site provides a number of caravan pitches managed by the appellants. On the opposite side of the road are disused commercial buildings and two dwellings. Open land forms the southern, eastern and western boundaries of the site beyond Diamond House. The site lies just outside the settlement boundary of Fiskerton located to the west of the appeal site.
4. Although the site is located in the countryside, when viewed alongside the existing development immediately opposite, it forms a cluster of development

that presents a built up character. The annex building is already there and being used for residential purposes so in terms of any physical impact of the proposed development, there would be no change. Alterations to provide a single shared access to serve Diamond House and the Annex were proposed and raised no highway issues.

5. Policy LP55 of the Central Lincolnshire Local Plan (2017) (LP) deals specifically with the control of development in the countryside and is generally supportive of development in relation to existing buildings, subject to identified criteria, of Part A) the re-use and conversion of non-residential buildings to residential use; Part B) replacement dwellings. New dwellings (Part D) are only supported where they are essential to the effective operation of rural operations.
6. The Council have considered the development as a new dwelling (Part D) that fails to provide justification that it supports a rural operation. I disagree with this interpretation. Although not explicit in the wording of the policy, I consider that Part D relates to new buildings as opposed to the re-use of an existing building. This is reinforced by part A) and Part B) of the policy that are supportive of the re-use or replacement of existing buildings in the countryside.
7. The building was used as a barn before being converted to an annex. Part A of the policy would have been supportive of a change to residential. That is because the visual impact in the countryside, as a result of any change, is a neutral one. In this case where an existing building is changing from an ancillary residential use to an independent one there would be little if any impact. The building is already there and there would be no physical change to the setting of the countryside in this location as a result of the development.
8. Taking the above into account I conclude that the proposed development would not conflict with LP policy LP55. The change from an ancillary residential use to an independent residential use would have very little impact on the countryside. It would also not conflict with paragraph 79 of the Framework that seeks to avoid the development of isolated homes in the countryside unless certain criteria are met that include the re-use of existing buildings. The appeal site is not isolated and involves the re-use of an existing building.

Conditions

9. The Council have requested a condition specifying the relevant drawings. I agree with this as it provides certainty.

Conclusion

10. For the reasons set out above, the appeal should be allowed.

David Storrie

INSPECTOR